

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 BOBBY DIAZ ROBLES,) CASE NO. ED CV 13-1637-PA (PJW)
11)
12 Petitioner,) ORDER TO SHOW CAUSE WHY PETITION
13) SHOULD NOT BE DISMISSED
14 v.)
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16 AMY MILLER,)
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18 Respondent.)
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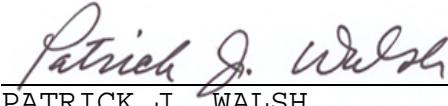
On September 6, 2013, Petitioner constructively filed a Petition for Writ of Habeas Corpus, seeking to challenge his January 2002 conviction for assault with a firearm on a police officer, second degree robbery, and three counts of attempted murder. (Petition at 2.) In the Petition, he claims that the prosecutor committed misconduct by failing to disclose exculpatory evidence at trial and that defense counsel provided ineffective assistance. (Petition at 5; Attachment "D" at 14-28.) For the following reasons, Petitioner is ordered to show cause why his Petition should not be dismissed because it is time-barred.

State prisoners seeking to challenge their state convictions in federal habeas corpus proceedings are subject to a one-year statute of limitations. 28 U.S.C. § 2244(d). Here, Petitioner's conviction

1 became final on July 15, 2003--90 days after the state supreme court
2 denied his petition for review and the time expired for him to file a
3 petition for writ of certiorari with the United States Supreme Court.
4 See, e.g., *Brambles v. Duncan*, 412 F.3d 1066, 1069 (9th Cir.
5 2005). Therefore, the statute of limitations expired one year later,
6 on July 15, 2004. See *Patterson v. Stewart*, 251 F.3d 1243, 1246 (9th
7 Cir. 2001). Petitioner, however, did not file this Petition until
8 September 2013, more than nine years after the deadline.

9 IT IS THEREFORE ORDERED that, no later than **October 14, 2013**,
10 Petitioner shall inform the Court in writing why this case should not
11 be dismissed with prejudice because it is barred by the statute of
12 limitations. Failure to timely file a response will result in a
13 recommendation that this case be dismissed.

14 DATED: September 13, 2013

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17 PATRICK J. WALSH
18 UNITED STATES MAGISTRATE JUDGE
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